



General Assembly

Amendment

February Session, 2018

LCO No. 4605



Offered by:

REP. FLEISCHMANN, 18th Dist.

REP. LAVIELLE, 143rd Dist.

SEN. SLOSSBERG, 14th Dist.

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To: Subst. House Bill No. **5169**

File No. 232

Cal. No. 165

"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD."

1 Strike sections 1 and 2 in their entirety and insert the following in
2 lieu thereof:

3 "Section 1. Section 19a-79 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) The Commissioner of Early Childhood shall adopt regulations,
6 in accordance with the provisions of chapter 54, to carry out the
7 purposes of sections 19a-77 to 19a-80, inclusive, as amended by this
8 act, and 19a-82 to 19a-87, inclusive, and to assure that child care
9 centers and group child care homes [shall] meet the health, educational
10 and social needs of children utilizing such child care centers and group
11 child care homes. Such regulations shall (1) specify that before being
12 permitted to attend any child care center or group child care home,

13 each child shall be protected as age-appropriate by adequate
14 immunization against diphtheria, pertussis, tetanus, poliomyelitis,
15 measles, mumps, rubella, hemophilus influenzae type B and any other
16 vaccine required by the schedule of active immunization adopted
17 pursuant to section 19a-7f, including appropriate exemptions for
18 children for whom such immunization is medically contraindicated
19 and for children whose parents or guardian objects to such
20 immunization on religious grounds, and that any objection by parents
21 or a guardian to immunization of a child on religious grounds shall be
22 accompanied by a statement from such parents or guardian that such
23 immunization would be contrary to the religious beliefs of such child
24 or the parents or guardian of such child, which statement shall be
25 acknowledged, in accordance with the provisions of sections 1-32, 1-34
26 and 1-35, by (A) a judge of a court of record or a family support
27 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a
28 town clerk, (D) a notary public, (E) a justice of the peace, or (F) an
29 attorney admitted to the bar of this state, (2) specify conditions under
30 which child care center directors and teachers and group child care
31 home providers may administer tests to monitor glucose levels in a
32 child with diagnosed diabetes mellitus, and administer medicinal
33 preparations, including controlled drugs specified in the regulations
34 by the commissioner, to a child receiving child care services at such
35 child care center or group child care home pursuant to the written
36 order of a physician licensed to practice medicine or a dentist licensed
37 to practice dental medicine in this or another state, or an advanced
38 practice registered nurse licensed to prescribe in accordance with
39 section 20-94a, or a physician assistant licensed to prescribe in
40 accordance with section 20-12d, and the written authorization of a
41 parent or guardian of such child, (3) specify that an operator of a child
42 care center or group child care home, licensed before January 1, 1986,
43 or an operator who receives a license after January 1, 1986, for a facility
44 licensed prior to January 1, 1986, shall provide a minimum of thirty
45 square feet per child of total indoor usable space, free of furniture
46 except that needed for the children's purposes, exclusive of toilet
47 rooms, bathrooms, coatrooms, kitchens, halls, isolation room or other

48 rooms used for purposes other than the activities of the children, (4)
49 specify that a child care center or group child care home licensed after
50 January 1, 1986, shall provide thirty-five square feet per child of total
51 indoor usable space, (5) establish appropriate child care center staffing
52 requirements for employees certified in cardiopulmonary resuscitation
53 by the American Red Cross, the American Heart Association, the
54 National Safety Council, American Safety and Health Institute or
55 Medic First Aid International, Inc., (6) specify that on and after January
56 1, 2003, a child care center or group child care home (A) shall not deny
57 services to a child on the basis of a child's known or suspected allergy
58 or because a child has a prescription for an automatic prefilled
59 cartridge injector or similar automatic injectable equipment used to
60 treat an allergic reaction, or for injectable equipment used to
61 administer glucagon, (B) shall, not later than three weeks after such
62 child's enrollment in such a center or home, have staff trained in the
63 use of such equipment on-site during all hours when such a child is
64 on-site, (C) shall require such child's parent or guardian to provide the
65 injector or injectable equipment and a copy of the prescription for such
66 medication and injector or injectable equipment upon enrollment of
67 such child, and (D) shall require a parent or guardian enrolling such a
68 child to replace such medication and equipment prior to its expiration
69 date, (7) specify that on and after January 1, 2005, a child care center or
70 group child care home (A) shall not deny services to a child on the
71 basis of a child's diagnosis of asthma or because a child has a
72 prescription for an inhalant medication to treat asthma, and (B) shall,
73 not later than three weeks after such child's enrollment in such a center
74 or home, have staff trained in the administration of such medication
75 on-site during all hours when such a child is on-site, and (8) establish
76 physical plant requirements for licensed child care centers and licensed
77 group child care homes that exclusively serve school-age children.
78 When establishing such requirements, the Office of Early Childhood
79 shall give consideration to child care centers and group child care
80 homes that are located in private or public school buildings. With
81 respect to this subdivision only, the commissioner shall implement
82 policies and procedures necessary to implement the physical plant

83 requirements established pursuant to this subdivision while in the
84 process of adopting such policies and procedures in regulation form.
85 Until replaced by policies and procedures implemented pursuant to
86 this subdivision, any physical plant requirement specified in the
87 office's regulations that is generally applicable to child care centers and
88 group child care homes shall continue to be applicable to such centers
89 and homes that exclusively serve school-age children. The
90 commissioner shall print notice of the intent to adopt regulations
91 pursuant to this subdivision in the Connecticut Law Journal not later
92 than twenty days after the date of implementation of such policies and
93 procedures. Policies and procedures implemented pursuant to this
94 subdivision shall be valid until the time final regulations are adopted.

95 (b) The commissioner may adopt regulations, pursuant to chapter
96 54, to establish civil penalties of not more than one hundred dollars per
97 day for each day of violation and other disciplinary remedies that may
98 be imposed, following a contested-case hearing, upon the holder of a
99 license issued under section 19a-80, as amended by this act, to operate
100 a child care center or group child care home or upon the holder of a
101 license issued under section 19a-87b, as amended by this act, to operate
102 a family child care home.

103 (c) The commissioner shall exempt Montessori schools accredited by
104 the American Montessori Society or the Association Montessori
105 Internationale from any provision in regulations adopted pursuant to
106 subsection (a) of this section which sets requirements on group size or
107 child to staff ratios or the provision of cots.

108 (d) Upon the declaration by the Governor of a civil preparedness
109 emergency pursuant to section 28-9 or a public health emergency
110 pursuant to section 19a-131a, the commissioner may waive the
111 provisions of any regulation adopted pursuant to this section if the
112 commissioner determines that such waiver would not endanger the
113 life, safety or health of any child. The commissioner shall prescribe the
114 duration of such waiver, provided such waiver shall not extend
115 beyond the duration of the declared emergency. The commissioner

116 shall establish the criteria by which a waiver request shall be made and
117 the conditions for which a waiver will be granted or denied. The
118 provisions of section 19a-84 shall not apply to a denial of a waiver
119 request under this subsection.

120 (e) Any child care center or group child care home may provide
121 child care services to homeless children and youths, as defined in 42
122 USC 11434a, as amended from time to time, for a period not to exceed
123 ninety days without complying with any provision in regulations
124 adopted pursuant to this section relating to immunization and physical
125 examination requirements. Any child care center or group child care
126 home that provides child care services to homeless children and
127 youths at such center or home under this subsection shall maintain a
128 record on file of all homeless children and youths who have attended
129 such center or home for a period of two years after such homeless
130 children or youths are no longer receiving child care services at such
131 center or home.

132 Sec. 2. Section 19a-87b of the 2018 supplement to the general statutes
133 is repealed and the following is substituted in lieu thereof (*Effective July*
134 *1, 2018*):

135 (a) No person, group of persons, association, organization,
136 corporation, institution or agency, public or private, shall maintain a
137 family child care home, as defined in section 19a-77, as amended by
138 this act, without a license issued by the Commissioner of Early
139 Childhood. Licensure forms shall be obtained from the Office of Early
140 Childhood. Applications for licensure shall be made to the
141 commissioner on forms provided by the office and shall contain the
142 information required by regulations adopted under this section. The
143 licensure and application forms shall contain a notice that false
144 statements made therein are punishable in accordance with section
145 53a-157b. Applicants shall state, in writing, that they are in compliance
146 with the regulations adopted by the commissioner pursuant to
147 subsection (f) of this section. Before a family child care home license is
148 granted, the office shall make an inquiry and investigation which shall

149 include a visit and inspection of the premises for which the license is
150 requested. Any inspection conducted by the office shall include an
151 inspection for evident sources of lead poisoning. The office shall
152 provide for a chemical analysis of any paint chips found on such
153 premises. Neither the commissioner nor the commissioner's designee
154 shall require an annual inspection for homes seeking license renewal
155 or for licensed homes, except that the commissioner or the
156 commissioner's designee shall make an unannounced visit, inspection
157 or investigation of each licensed family child care home at least once
158 every year. A licensed family child care home shall not be subject to
159 any conditions on the operation of such home by local officials, other
160 than those imposed by the office pursuant to this subsection, if the
161 home complies with all local codes and ordinances applicable to single
162 and multifamily dwellings.

163 (b) No person shall act as an assistant or substitute staff member to a
164 person or entity maintaining a family child care home, as defined in
165 section 19a-77, as amended by this act, without an approval issued by
166 the commissioner. Any person seeking to act as an assistant or
167 substitute staff member in a family child care home shall submit an
168 application for such approval to the office. Applications for approval
169 shall: (1) Be made to the commissioner on forms provided by the office,
170 (2) contain the information required by regulations adopted under this
171 section, and (3) be accompanied by a fee of fifteen dollars. The
172 approval application forms shall contain a notice that false statements
173 made in such form are punishable in accordance with section 53a-157b.

174 (c) The commissioner, within available appropriations, shall require
175 each initial applicant or prospective employee of a family child care
176 home in a position requiring the provision of care to a child, including
177 an assistant or substitute staff member and each household member
178 who is sixteen years of age or older, to submit to comprehensive
179 background checks, including state and national criminal history
180 records checks. The criminal history records checks required pursuant
181 to this subsection shall be conducted in accordance with section 29-17a.
182 The commissioner shall also request a check of the state child abuse

183 registry established pursuant to section 17a-101k. The commissioner
184 shall notify each licensee of the provisions of this subsection. For
185 purposes of this subsection, "household member" means any person,
186 other than the person who is licensed to conduct, operate or maintain a
187 family child care home, who resides in the family child care home,
188 such as the licensee's spouse or children, tenants and any other
189 occupant.

190 (d) An application for initial licensure pursuant to this section shall
191 be accompanied by a fee of forty dollars and such license shall be
192 issued for a term of four years. An application for renewal of a license
193 issued pursuant to this section shall be accompanied by a fee of forty
194 dollars and a certification from the licensee that any child enrolled in
195 the family child care home has received age-appropriate
196 immunizations in accordance with regulations adopted pursuant to
197 subsection (f) of this section. A license issued pursuant to this section
198 shall be renewed for a term of four years. In the case of an applicant
199 submitting an application for renewal of a license that has expired, and
200 who has ceased operations of a family child care home due to such
201 expired license, the commissioner may renew such expired license
202 within thirty days of the date of such expiration upon receipt of an
203 application for renewal that is accompanied by such fee and such
204 certification.

205 (e) An application for initial staff approval or renewal of staff
206 approval shall be accompanied by a fee of fifteen dollars. Such
207 approvals shall be issued or renewed for a term of two years.

208 (f) The commissioner shall adopt regulations, in accordance with the
209 provisions of chapter 54, to assure that family child care homes, as
210 defined in section 19a-77, as amended by this act, [shall] meet the
211 health, educational and social needs of children utilizing such homes.
212 Such regulations shall ensure that the family child care home is treated
213 as a residence, and not an institutional facility. Such regulations shall
214 specify that each child be protected as age-appropriate by adequate
215 immunization against diphtheria, pertussis, tetanus, poliomyelitis,

216 measles, mumps, rubella, hemophilus influenzae type B and any other
217 vaccine required by the schedule of active immunization adopted
218 pursuant to section 19a-7f. Such regulations shall provide appropriate
219 exemptions for children for whom such immunization is medically
220 contraindicated and for children whose parents or guardian objects to
221 such immunization on religious grounds and require that any such
222 objection be accompanied by a statement from such parents or
223 guardian that such immunization would be contrary to the religious
224 beliefs of such child or the parents or guardian of such child, which
225 statement shall be acknowledged, in accordance with the provisions of
226 sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a
227 family support magistrate, (2) a clerk or deputy clerk of a court having
228 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or
229 (6) an attorney admitted to the bar of this state. Such regulations shall
230 also specify conditions under which family child care home providers
231 may administer tests to monitor glucose levels in a child with
232 diagnosed diabetes mellitus, and administer medicinal preparations,
233 including controlled drugs specified in the regulations by the
234 commissioner, to a child receiving child care services at a family child
235 care home pursuant to a written order of a physician licensed to
236 practice medicine in this or another state, an advanced practice
237 registered nurse licensed to prescribe in accordance with section 20-94a
238 or a physician assistant licensed to prescribe in accordance with section
239 20-12d, and the written authorization of a parent or guardian of such
240 child. Such regulations shall specify appropriate standards for
241 extended care and intermittent short-term overnight care. The
242 commissioner shall inform each licensee, by way of a plain language
243 summary provided not later than sixty days after the regulation's
244 effective date, of any new or changed regulations adopted under this
245 subsection with which a licensee must comply.

246 (g) Upon the declaration by the Governor of a civil preparedness
247 emergency pursuant to section 28-9 or a public health emergency
248 pursuant to section 19a-131a, the commissioner may waive the
249 provisions of any regulation adopted pursuant to this section if the

250 commissioner determines that such waiver would not endanger the
251 life, safety or health of any child. The commissioner shall prescribe the
252 duration of such waiver, provided such waiver shall not extend
253 beyond the duration of the declared emergency. The commissioner
254 shall establish the criteria by which a waiver request shall be made and
255 the conditions for which a waiver will be granted or denied. The
256 provisions of section 19a-84 shall not apply to a denial of a waiver
257 request under this subsection.

258 (h) Any family child care home may provide child care services to
259 homeless children and youths, as defined in 42 USC 11434a, as
260 amended from time to time, for a period not to exceed ninety days
261 without complying with any provision in regulations adopted
262 pursuant to this section relating to immunization and physical
263 examination requirements. Any family child care home that provides
264 child care services to homeless children and youths at such home
265 under this subsection shall maintain a record on file of all homeless
266 children and youths who have attended such home for a period of two
267 years after such homeless children or youths are no longer receiving
268 child care services at such home."

269 Strike section 7 in its entirety and insert the following in lieu thereof:

270 "Sec. 7. Section 17b-749k of the 2018 supplement to the general
271 statutes is repealed and the following is substituted in lieu thereof
272 (*Effective July 1, 2018*):

273 (a) The Commissioner of Early Childhood shall, within available
274 appropriations, require any person, [providing] other than a relative,
275 who provides child care services to a child and who receives a child
276 care subsidy from the Office of Early Childhood, to submit to
277 comprehensive background checks, including state and national
278 criminal history records checks. The criminal history records checks
279 required pursuant to this subsection shall be conducted in accordance
280 with section 29-17a. The commissioner shall also request a check of the
281 state child abuse registry established pursuant to section 17a-101k.

282 **(b)** The Commissioner of Early Childhood shall, within available
283 appropriations, require any relative who provides child care services
284 to a child and who receives a child care subsidy from the Office of
285 Early Childhood, to submit to a check of (1) state and national sexual
286 offender registry databases, (2) the state child abuse registry
287 established pursuant to section 17a-101k, and (3) the Connecticut On-
288 Line Law Enforcement Communication Teleprocessing System
289 maintained by the Department of Emergency Services and Public
290 Protection. If such check reveals that the name of any such relative
291 appears in such databases, on said registry or in said system, the
292 commissioner may require such relative to submit to state and national
293 criminal history records checks conducted in accordance with section
294 29-17a.

295 **[(b)] (c)** The commissioner shall have the discretion to refuse
296 payments for child care under any financial assistance program
297 administered by him or her if the person or relative providing such
298 child care has been convicted in this state or any other state of a felony,
299 as defined in section 53a-25, involving the use, attempted use or
300 threatened use of physical force against another person, of cruelty to
301 persons under section 53-20, injury or risk of injury to or impairing
302 morals of children under section 53-21, abandonment of children
303 under the age of six years under section 53-23 or any felony where the
304 victim of the felony is a child under eighteen years of age, or of a
305 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or
306 53a-73a, or has a criminal record or was the subject of a substantiated
307 report of child abuse in this state or any other state that the
308 commissioner reasonably believes renders the person or relative
309 unsuitable to provide child care."